

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

No. 18-CR-319-LTS

SAMANTHA BATISTA,

Defendant.

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ORDER APPOINTING CJA COUNSEL

The Court appoints Glenn A. Garber as CJA counsel to represent Ms. Batista in connection with her renewed application for a reduction in sentence pursuant to 18 U.S.C. section 3582(c)(1)(A). (See docket entry nos. 427 & 432.)¹ To the extent deemed necessary, such appointment also encompasses any presentation of the issues raised by Ms. Batista to the warden of her facility. (See docket entry no. 438 at 7-8.)

Absent any application for an extension of time (and order of the Court granting such extension), defense counsel shall file a supplemental filing in support of Ms. Batista's

¹ Given her pending appeal of the Court's prior decision denying her first application for a reduction in sentence, Ms. Batista styled her motion as one for an indicative ruling as to a renewed motion for such a sentence reduction. On December 15, 2021, the Second Circuit Court of Appeals affirmed this Court's prior decision by summary order. See United States v. Batista, Case No. 20-3809-CR (2d Cir. Dec. 15, 2021), ECF No. 68-1. The Court therefore construes Ms. Batista's pending application as a renewed motion for a sentence reduction.

In appointing counsel, the Court has considered whether Ms. Batista's "claim has substance or a likelihood of success on the merits," as well as her "ability to obtain representation independently, and [her] ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity." United States v. Williams, No. 17-CR-402-JGK, 2020 WL 5912325, at *1 (S.D.N.Y. Oct. 6, 2020). The Court concludes that, while the merits of Ms. Batista's motion are uncertain, her claim has some substance, and the other factors weigh in favor of the appointment of counsel.

renewed motion by **January 17, 2022**, attaching any supporting materials counsel wishes the Court to consider in connection with that motion. The Government shall file its response to the supplemental filing by **January 28, 2022**. Defense counsel shall file any reply by **February 4, 2022**.

Chambers will mail a copy of this Order to Ms. Batista.

SO ORDERED.

Dated: New York, New York
December 17, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

Copy to be mailed to:

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